

# DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: COMPOSITION FOR TREATING PATHOLOGY ASSOCIATED WITH MSRV/HERV-W

described and claimed in international application number PCT/FR2005/000156 filed January 24, 2005.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

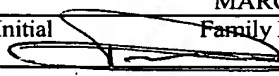
Under Title 35, U.S. Code §119, the priority benefits of the following U.S. and/or foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

French Patent Application No. 04 00675, filed January 23, 2004

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	<b>Typewritten Full Name of Sole or First Inventor:</b>	Patrice	MARCHE
		Given Name	Middle Initial
2	<b>Inventor's Signature:</b>	Patrice MARCHE 	
3	<b>Date of Signature:</b>	August	16 <sup>th</sup>
		Month	Day
	<b>Residence:</b>	Meylan	France
		City	Country
	<b>Citizenship:</b>	France	
	<b>Post Office Address: (Insert complete mailing address, including country)</b>	2 Allee du Gaillet	
		38240 Meylan, France	

**Note to Inventor:** Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

(Discard this page in a sole inventor application)

1 **Typewritten Full Name of Joint Inventor:** Alexandre ROLLAND  
Given Name Middle Initial Family Name  
2 **Inventor's Signature:** Alexandre Rolland  
3 **Date of Signature:** August 29<sup>TH</sup> 2006  
Month Day Year  
Residence: Sassenage France  
City State or Province Country  
Citizenship: France  
Post Office Address: 8 Rue de l'Ovalie  
(Insert complete mailing address, including country) 38360 Sassenage, France

1 **Typewritten Full Name of Joint Inventor:** Evelyne JOUVIN-MARCHE  
Given Name Middle Initial Family Name  
2 **Inventor's Signature:** Evelyne Jouvain Marche  
3 **Date of Signature:** August 15<sup>th</sup> 2006  
Month Day Year  
Residence: Meylan France  
City State or Province Country  
Citizenship: France  
Post Office Address: 2 Allée du Gaillet  
(Insert complete mailing address, including country) 38240 Meylan, France

1 **Typewritten Full Name of Joint Inventor:** Herve PERRON  
Given Name Middle Initial Family Name  
2 **Inventor's Signature:** Herve Perron  
3 **Date of Signature:** 07/09/06 (September 7<sup>th</sup> 2006)  
Month Day Year  
Residence: Saint Genis Les Ollieres France  
City State or Province Country  
Citizenship: France  
Post Office Address: 4 Allée de la Guignonniere  
(Insert complete mailing address, including country) 69290 Saint Genis Les Ollieres France

1 **Typewritten Full Name of Joint Inventor:**  
Given Name Middle Initial Family Name  
2 **Inventor's Signature:**  
3 **Date of Signature:**  
Month Day Year  
Residence:  
City State or Province Country  
Citizenship:  
Post Office Address:  
(Insert complete mailing address, including country)

**Note to Inventor:** Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

**This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.**

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Patrice MARCHE et al.

Application No.: 10/586,742

Filed: September 29, 2006

Docket No.: 128497

For: COMPOSITION FOR TREATING PATHOLOGY ASSOCIATED WITH MSRV/HERV-W

**TRANSMITTAL OF POWER OF ATTORNEY AND  
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Power of Attorney from the Assignees.

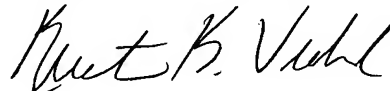
In compliance with 37 CFR §3.73(b), the undersigned hereby states that BIOMERIEUX and INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE are together the assignees of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto and is concurrently being submitted for recordation.

The undersigned is authorized to act on behalf of the assignees.

In accordance with 37 CFR §1.36(a), submission of this Power of Attorney revokes any powers of attorney previously given.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD  
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE  
(703) 836-6400.**

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Kristin K. Vidovich  
Registration No. 41,448

WPB:KKV/sxb

Date: September 29, 2006

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee Name and Address: BioMérieux

Chemin de l'Orme

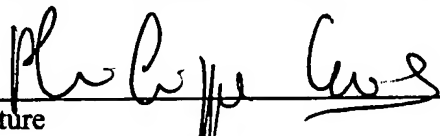
69280 MARCY L'ETOILE - FRANCE

appoints the patent practitioners associated with Oliff & Berridge, PLC, Customer  
Number 25944 to represent before the United States Patent and Trademark Office (USPTO)  
in connection with any and all U.S. patent applications assigned to the above-named assignee.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION  
SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, TELEPHONE (703) 836-6400,  
CUSTOMER NO. 25944.**

23 June 2004  
Date

  
Signature

Typed Name: CROS Philippe

Title: Corporate Manager of Industrial  
Property

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**GENERAL POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Owner Name: **INSTITUT NATIONAL DE LA SANTE  
ET DE LA RECHERCHE MEDICALE**

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

The undersigned is authorized to execute this document as or on behalf of the owner.

**ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC,  
CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.**

02 AOUT 2004  
Date

Signature Christian B. Berridge  
Département d'Innovation  
et Transfert de Technologies  
Typed Name: pour le Directeur Général et par délégation  
Titre: INGENIEUR  
(if acting on behalf of an Owner)

INSTITUT NATIONAL DE LA SANTE  
ET DE LA RECHERCHE MEDICALE  
1 rue de la Santé  
75014 PARIS FRANCE

# **ASSIGNMENT (Two Assignees)**

(1-8)	Insert Name(s) of Inventor(s)	(1) <u>Patrice MARCHE</u>	(4) <u>Herve PERRON</u>
		(2) <u>Alexandre ROLLAND</u>	(5) _____
		(3) <u>Evelyne JOUVIN-MARCHE</u>	(6) _____

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to

(9A)	Insert Name of First Assignee	(9A)	<u>bioMerieux</u>
(10A)	Insert Address of First Assignee	(10A)	<u>Chemin de l'Orme, 69280 Marcy-l'Etoile, France</u>
(9B)	Insert Name of Second Assignee	(9B)	<u>(INSERM) Institute National de la Sante et de la Recherche Medicale</u>
(10B)	Insert Address of Second Assignee	(10B)	<u>101 rue Tolbiac, 75013 Paris, France</u>

(hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, international, confirmation, substitute and reissue application(s), and all Letters Patent, extensions, reissues and reexamination certificates that may be granted on the invention known as

(11)	Insert Identification, such as Title, Case Number or Foreign Application Number	(11)	<u>COMPOSITION FOR TREATING PATHOLOGY ASSOCIATED WITH MSRV/HERV-W</u>
		Attorney Docket No.	<u>128497</u>

for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or

(12)	Insert Date of Signing of Application	(12)	on <u>1 &amp; 3 - 8/16/06; 2 - 8/29/06; 4 - 9/7/06</u>
(13)	Alternative Identification for filed applications	(13)	U.S. Application Serial Number <u>10/586,742</u> filed _____

1) Each undersigned agrees to execute all papers necessary in connection with the application and any continuing divisional or reissue applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignees may deem necessary.

2) Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof, or any patent or reissue application based thereon, and to cooperate with the Assignees in every way possible in obtaining evidence and going forward with such interference.

3) Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by reissue or reexamination a grant of a valid United States patent to the Assignees.

5) Each undersigned authorizes and requests the Commissioner of the U.S. Patent and Trademark Office to issue any and all Letters Patents of the United States resulting from said application or any divisional, continuing or reissue applications to the said Assignees, as Assignees of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.

6) Each undersigned hereby grants the firm of **OLIFF & BERRIDGE, PLC** the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date	<u>16/08/2006</u>	Inventor Signature	<u>Patrice MARCHE</u>	(SEAL)
Date	<u>29/08/2006</u>	Inventor Signature	<u>Alexandre ROLLAND</u>	(SEAL)
Date	<u>16/08/2006</u>	Inventor Signature	<u>Evelyne Jovin-Marche</u>	(SEAL)
Date	<u>07/09/2006</u>	Inventor Signature	<u>Herve Perron</u>	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date	<u>16/08/2006</u>	Witness	<u>[Signature]</u>
Date	<u>07/09/2006</u>	Witness	<u>[Signature]</u>